

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1646 of 2017

- Rajendra Chandrakar S/o Shri Ramkrishna Chandrakar Aged About 45 Years R/o Village Bijradih, P.O. Tamora, Police Station Khallari, Bhimkhoj, Tahsil & District Mahasamund Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through, Station House Officer, Police Station- Mahasamund, District-Mahasamund, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Praveen Das, Advocate
For Respondent/State : Mr. D.R. Minj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-03-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 17-2-2017 in connection with Crime No. 78 of 2017, registered at Police Station Mahasamund, District Mahasamund (CG) for the offence punishable under Sections 420, 467, 468, 471, 409/34 of IPC.
2. As per prosecution case, on 28-2-2016 a report was made that in the year 2014 present applicant who was running NGO, Gram Panchayat Mahasamund, in between 2009 and 2011 and was given the charge of training of center wood, sewing machine and etc, to different unskilled workers, had raised a forged bill of Rs.3,58,000/- and has not trained the persons to the extent of period for which they were entitled i.e., 18 days and instead ten days training was imparted to the workers and thereafter the amount was withdrawn by raising the forged bill and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that on 28-11-2014 demand notice was served to the present applicant for recovery of Rs.3,58,000/- vide Annexure A/2, the applicant deposited the entire amount

of Rs.3,58,000/- vide Annexure A/4 and false allegations have been attributed to the present applicant instead of recovery proceedings. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 17-2-2017 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused Annexure A/2, Annexure A/4 and the documents annexed to covering memo along with bail petition. It appears that covering letter regarding depositing of Rs.3,58,000/- towards recovery of demand is addressed to the complainant and also recovery of Rs.3,58,000/- has been received by the complainant.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and the incident took place way back in the year 2009-2011 and further considering the fact that the entire amount has been paid and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 17-2-2017, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

